



Costs Decision

Site visit made on 4 October 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Costs application in relation to Appeal Ref: APP/A4710/D/22/3302115 194 Hebble Lane, Wheatley, Halifax HX3 5JN

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Izaak Beaumont for a full award of costs against Calderdale Metropolitan Borough Council.
 - The appeal was against the refusal of 'the formation of a garage with office and storage above'.
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Decision

1. The application for a full award of costs is refused.

Reasons

2. Parties in planning appeals normally meet their own expenses. However, the Planning Practice Guidance (PPG) explains how costs may be awarded against a party who has behaved unreasonably, and thereby directly caused another party to incur unnecessary expense at appeal.
3. Paragraph 49 of the PPG states that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. The PPG gives examples of this as: '*not determining similar cases in a consistent manner*' or '*preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations*'.
4. The applicant's case for a full award of costs is that the Council should have granted permission as the proposal is similar in scale to that of the previously approved application Ref 18/01407/FUL.
5. However, the Council clearly sets out in its report why it considers the appeal proposal to be different to that of the previous approval. The delegated report states: '*The previously approved scheme has a much more subservient feel and would appear to provide the required secure vehicle parking and office facilities whilst having a much reduced visual and physical impact upon both the streetscene and the dwellings opposite along the terrace*'. As can be seen from my Decision, I also took the view that the change in orientation and the provision of a large dormer window would result in significantly greater harm to character and appearance and living conditions.

6. As such I am satisfied that the Council's reason for refusal was not unsubstantiated. For the same reasons I am also not persuaded that it has failed to determine similar cases in a consistent manner.

Conclusion

7. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated.

Paul Martinson

INSPECTOR